

**In the United States District Court
For the Southern District of Georgia
Brunswick Division**

CHRISTOPHER COBB,

Petitioner,

v.

WARDEN JEFFRY FIKES,

Respondent.

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CIVIL ACTION NO.: 2:23-cv-8

ORDER

After an independent and de novo review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation. Dkt. No. 16. Petitioner Christopher Cobb ("Cobb") filed Objections to this Report and Recommendation. Dkt. No. 17.

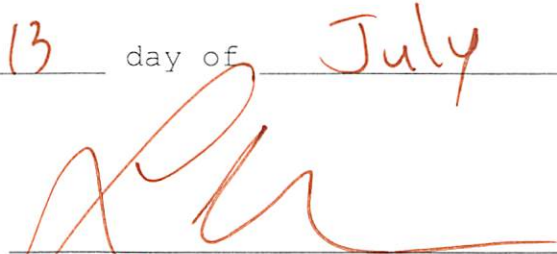
In his Objections, Cobb contends the Magistrate Judge erred in applying the Prison Litigation Reform Act's ("PLRA") exhaustion requirements to his 28 U.S.C. § 2241 Petition. Cobb also contends exhaustion should be excused here because he is challenging the constitutionality of a statute. Id. at 1.

Cobb overlooks the fact the Eleventh Circuit Court of Appeals has determined exhaustion principles apply to habeas petitions, such as the one he has filed with this Court.

Dkt. wNo. 16 at 3 n.2, 4 n.3. Cobb was required to exhaust his administrative remedies prior to filing his § 2241 Petition and failed to do so. Cobb fails to point to any controlling authority that would require, or even support, excusing him from exhausting available administrative remedies in these circumstances. Even if exhaustion could be excused or an exception to the exhaustion requirement applied, Cobb likely does not have standing to challenge the constitutionality of the excludable offenses under the First Step Act. See Dkt. No. 7 at 3-10 (Respondent's discussion of Cobb's lack of standing). Cobb's Objections fail.

The Court **OVERRULES** Cobb's Objections and **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court. The Court **GRANTS** Respondent's Motion to Dismiss, **DISMISSES without prejudice** Cobb's 28 U.S.C. § 2241 Petition, **DENIES as moot** Cobb's Motion for Injunctive Relief, and **DENIES** Cobb *in forma pauperis* status on appeal. The Court also **DIRECTS** the Clerk of Court to **CLOSE** this case and enter the appropriate judgment of dismissal.

SO ORDERED, this 13 day of July, 2023.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA